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TARDE, GABRIEL. *Penal Philosophy*. Pp. xxxii, 581. Price, \$5.00. Boston: Little, Brown & Co., 1912.

The American Institute of Criminal Law and Criminology has done a great service to the cause of Criminological science in presenting to American readers this great work on Penal Philosophy. The author's long career as a criminal magistrate provided ample opportunity for first-hand knowledge of the criminal which was utilized not only for the purpose of improving criminal procedure but for developing a philosophy of the criminal. This has done much to forward the science of criminal psychology and sociology. It was from his office as *juge d'instruction* for nearly eighteen years in his native city of Sarlat, that he made the observations concerning the large part played by imitation in criminal conduct which he made the basis of his interpretation of language, art, law, institutions and human society generally as set forth in The *Lois de l'imitation, qu'est-ce qu'une société*, and other writings.

In 1890, the date of first publication of this work, the doctrines of the positive school of criminology, particularly those of criminal anthropology, were having wide circulation. It was largely to evaluate these doctrines and supplement them with what the author believed to be neglected elements that this book was written.

The crux of the whole subject of penal philosophy is the doctrine of moral responsibility. To an examination of the deterministic theories of the positive school the author devotes six of his nine chapters. Without attempting in the least to deny the doctrine of determinism so thoroughly established in every other realm of knowledge and now rigidly applied to human conduct, he nevertheless attempts to reconcile it with freedom of choice. This he does on a psychological basis. Two points are emphasized. First is the identity of the psychological self which includes all the elements of heredity, education, experiences, and memory. These combine in establishing certain ideals which constitute the goal of life and give a sense of the unity of personality. So long then as this "self" responds to the necessity of his nature and is not coerced he is free and moral.

To this must be added, in the second place, the relation of this "self" to others. This sense of social similarity creates the definite consciousness of social responsibility.

These criteria the author believes establish a genuine basis for responsibility without raising the old question of the freedom of the will.

Concerning the causes of crime the author makes much of the general laws governing social relations i.e., repetitions or imitations. This naturally leads to the assumption that crime is primarily a social rather than a biological or physical matter as emphasized by the anthropological school. In the emphasis placed upon environmental factors, however, M. Tarde has hardly gone further in his analysis than Lombroso himself in his "Crime, Its Causes and Remedies," published in this series.

Chapters vii and viii are devoted to a review of modern theories of criminal procedure and penology, and consist chiefly of practical criticisms on the basis of views developed in previous chapters.

The last chapter is a discussion of capital punishment and seems to have little vital connection with the remainder of the book.

The English of the translation is involved and in many places lacks clearness and definiteness making it somewhat difficult reading.

The book on the whole is a valuable commentary on the modern school of criminology and should be read by everyone who desires familiarity with the leaders of modern thought in this field.

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TRAIN, ARTHUR. *Courts, Criminals and the Camorra*. Pp. 253. Price, \$1.75. New York: Chas. Scribner's Sons, 1912.

Lord Bacon once said: "We are much beholden to Machiavelli and others who wrote what men do and not what they ought to do." If regarded from the same point of view the author of this volume certainly is worthy of peculiar esteem. He has shown from the record of personal experiences that our criminal procedure is as far from the letter of the law in its actual administration as our actual political government is from the purpose and intent of the framers of our constitution. The presumption of innocence is a "pleasant fiction" and in practice results in a "legal hypocrisy vastly less desirable than the frank attitude of our continental neighbors toward such subjects."

He has revealed the inside workings of the district attorney's office and shown how the various elements in the work of detection and prosecution of the criminal—the district attorney, the police, the press, and the personal friends or family of the criminal—are often antagonistic, making the work exceedingly complicated.

As in his previous writings he defends the much criticised jury and finds that it works substantial justice in the vast majority of cases. From a great store of personal knowledge and wide observation he discusses the question of "Why do men kill?" and aside from a catalogue of causes throws little new light on the subject.

A little more than two hundred pages are devoted to a first-hand study of the Camorra in Italy and the criminal Italian element in the United States. The picture is somewhat depressing but reveals the need for more strict police measures, not only in preventing the criminal immigrant from entering the United States but in dealing with the whole problem of the foreign criminal.

The book is written in the same fluent style characteristic of his "Prisoner at the Bar" and other works. It is not a scientific treatise but emphasizes the human element in the crime problem.

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WASHINGTON, BOOKER T. *The Man Farthest Down*. Pp. 390. Price, \$1.50. New York: Doubleday, Page & Co., 1912.

It is not often that a tourist, after spending a few weeks among a foreign people and assay to write about them, ever produces anything valuable. This volume